

Permitting & Assistance Branch Staff Report
Modified Solid Waste Facilities Permit for
Desert Center Sanitary Landfill
SWIS No. 33-AA-0016
June 6, 2014

Background Information, Analysis, and Findings

This report was developed in response to the Riverside County Department of Environmental Health (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for Desert Center Sanitary Landfill located in Desert Center, and owned by United States Bureau of Land Management, and operated by County of Riverside Waste Management Department. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on April 7, 2014. New proposed permits were received on April 29, 2014 and June 3, 2014. Action must be taken on this permit no later than August 1, 2014. If no action is taken by August 1, 2014, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

Proposed Project

The following changes to the first page of the permit are being proposed:

	Current SWFP (2001)	Proposed SWFP
Estimated Closure Date	2011	April 2087
Design Capacity (cubic yards)	117,032 (refuse)	115,341 (refuse)

Other changes include:

1. Revisions to the following sections of the SWFP: "Prohibitions" and "LEA Conditions" including the rewording, additions and/or deletions for the purpose of updating and/or clarifying;
2. Revise/update the Preliminary Closure and Postclosure Maintenance Plan cost estimates; and
3. Updates to the Joint Technical Document (JTD), dated February 12, 2012.

Key Issues

The proposed permit will update the design capacity to reflect technological advancements in the calculations of capacity, and increase remaining site life from 2011 to 2087 to reflect calculations of remaining airspace.

Findings

Staff recommends concurrence in the issuance of the proposed modified SWFP. All of the submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California

Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated April 3, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on December 13, 2011. The LEA provided a copy to the Department on January 10, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on June 3, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on April 7, 2014, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Countywide Siting Element, as described in their memorandum dated April 11, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Technical Support Section found the Preliminary Closure/Postclosure Maintenance Plan is consistent with State Minimum Standards as described in their memorandum dated June 6, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	Engineering Support Branch staff in the Closure and Technical Support Section found the written estimate to cover the cost of known or reasonably foreseeable corrective action activities is technically adequate as described in their memorandum dated June 6, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(A) Financial Assurances Documentation Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances documentation for closure, postclosure maintenance, and corrective action in compliance as described in their memorandum dated March 27, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(B) Operating Liability Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated March 27, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on February 6, 2014. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on April 7, 2014, that the proposed permit is consistent with and supported by the existing CEQA documentation. See Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed modified SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted an inspection on February 6, 2014, and found the facility to be in compliance with applicable state minimum standards and permit conditions.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2014 (January – April) – No violations noted.
- 2013 – No violations noted.
- 2012 (September) – One violation of 27 CCR Section 20820 – Drainage & Erosion Control
- 2011 (September) – One violations of 27 CCR Section 20820 – Drainage & Erosion Control
- 2009 - 2010 – No violations noted.

The violations were corrected to the satisfaction of the LEA.

Environmental Analysis:

Under the California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must make a determination as to whether this modified SWFP is categorically or statutorily exempt or additional CEQA analysis is required.

The permit is being modified to update the estimated closure date and design capacity. There will be no increase in the permitted daily tonnage received, acreage, or changes in the days or hours of operation.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2000091072, was circulated by Riverside County Waste Management Department, acting as the Lead Agency, for a 30 day comment period from September 18, 2000 to October 19, 2000. The MND analyzed for an increase in the maximum daily tonnage from 16 tons per day (TPD) to 60 TPD; change the operating days; and change the estimated closure date. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring and Reporting Program, was approved by the Lead Agency on November 7, 2000. On March 12, 2014, a Notice of Exemption pursuant to 14 CCR Section 15301, Categorical Exemption, Existing Facilities, was filed by the Lead Agency with the Riverside County Clerk to update the site capacity and estimated closure date.

The LEA has provided a finding that the proposed modified SWFP is consistent with and supported by the existing environmental documents and will file a Notice of Exemption, pursuant to 14 CCR Section 15301, Categorical Exemption, Class 1 – Existing Facilities following the issuance of the modified SWFP. This Categorical Exemption allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's initial approval of the project.

Department staff conducted a preliminary review to determine whether a Categorical Exemption is adequate for the Department's concurrence on this modified SWFP. Department staff made the finding/determination that a Categorical Exemption, 14 CCR Section 15301 – Existing Facilities was adequate for the Department's concurrence of this modified SWFP. Staff's finding is based on the premise that there is "negligible or no expansion of use beyond that existing at the time of the lead agency's determination."

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption for existing facilities, to be filed with the State Clearinghouse after the Department's concurrence of the modified SWFP in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations beyond that existing. Further, there are no grounds under CEQA for the Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed modified SWFP.

Department staff further recommends the Categorical Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed modified SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on

concurrence in, or objection to, the proposed modified SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meetings on April 15, 2014 and May 20, 2014. No comments have been received by Department staff.